

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

West Virginia Board of Examiners for
Registered Professional Nurses
AGENCY: _____ TITLE NUMBER: 19

CITE AUTHORITY §30-7-4 and §30-1-4 _____

AMENDMENT TO AN EXISTING RULE: YES NO _____


IF YES, SERIES NUMBER OF RULE BEING AMENDED: 19CSR1 _____

TITLE OF RULE BEING AMENDED: * The rule has been re-titled as, Policies and
Procedures Related to the Accreditation of College, Departments, or Schools of
Nursing.

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC
COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH
THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR
THEIR REVIEW.


Authorized Signature

Janet H. Fairchild, M.S., R.N.
Executive Secretary



TELEPHONE:
(304) 558-3596
(304) 558-3728
FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

101 Dee Drive
Charleston, WV 25311-1620

June 29, 1994

The Honorable Ken Heckler
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Dear Mr. Heckler,

The Board in session June 23-24, 1994 approved for filing proposed legislative rule 19CSR1 titled Policies and Procedures Related to the Accreditation of Colleges, Departments, or Schools of Nursing. This is a repeal and replacement of the rule by the same title and name.

A brief summary of the rule follows:

This legislative rule sets forth the policies and procedures related to the accreditation of colleges, departments, or schools of nursing. The rule provides definitions related to accreditation procedures. The rule sets forth the purposes of accreditation; describes majors changes in a program that are reportable and reviewable by the Board; sets forth the accreditation visit and survey procedure; discusses loss of accreditation; closing of a program; and outlines the types of reports required by the Board.

The Board's rationale for proposing a repeal and replacement of this rule follows:

This rule has not been revised or updated since January 1977. Although the effective date on the rule is December 1982, there were no changes to the rule in 1982 when it was re-filed. The proposed amendments generally update the accreditation policies and procedures in light of current standards generally for nursing education programs. The overall format has been changed.

Sincerely,

A handwritten signature in cursive script that reads "Janet H. Fairchild".

Janet H. Fairchild M.S., R.N.
Executive Secretary

DATE: AUGUST 15, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED NURSES

LEGISLATIVE RULE TITLE: ~~Policies and Procedures related to the accreditation of colleges, department or schools of nursing.~~

1. Authorizing statute(s) citation

§30-7-4 and §30-1-4

2. a. Date filed in State Register with Notice of Hearing

June 29, 1994

b. What other notice, including advertising, did you give of the hearing?

Nursing Education Task Force

Questionnaire

c. Date of Hearing(s) July 29, 1994

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 15, 1994

f. Name and phone number(s) of agency person(s) to contact for additional information:

Janet H. Fairchild, MS, RN

558-3596

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

June 29, 1994

b. Date of hearing: July 29, 1994

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

August 15, 1994

d. Attach findings and determinations and reasons:

Attached yes

**TITLE 19
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES**

**SERIES 1
POLICIES AND PROCEDURES RELATED TO THE
ACCREDITATION OF COLLEGES, DEPARTMENTS OR SCHOOLS OF NURSING**

§19-1-1.General.

- 1.1. Scope.-- This rule establishes the policies and procedures related to the accreditation of colleges, departments or schools of nursing.
- 1.2. Authority.-- West Virginia Code §30-7-4 and §30-1-4.
- 1.3. Filing Date.--_____.
- 1.4. Effective Date.--_____.
- 1.5. Repeal of former rule.-- This legislative rule repeals and replaces West Virginia 19CSR1 "Accreditation of Schools" filed December 17, 1982 and effective December 17, 1982. The rule has been re-titled as, "Policies and Procedures related to the Accreditation of Colleges, Departments or Schools of Nursing".

§19-1-2.Definitions.

- 2.1. The term "board" means the West Virginia board of examiners for registered professional nurses.
- 2.2. The terms "college", "department" or "school" means an educational unit charged with responsibility to prepare its graduates for practice as registered professional nurses, qualified to meet licensing requirements in West Virginia. This unit may have multiple programs and may be structured in a university, college or hospital.
- 2.3. An "accredited college, department or school of nursing" is one which has met

the requirements of West Virginia Code §30-7, this rule, and such other laws and rules as are applicable. For purposes of considering applications for licensure, the board may recognize nursing education programs accredited or approved by a comparable board or other recognized authority in another jurisdiction.

- 2.4. A "provisionally accredited college, department or school of nursing" is one which either has been temporarily approved but has not been in operation long enough to qualify for full accreditation, or one which fails to meet the requirements of the law and of the board, and has received notification of its deficiencies.
- 2.5. A "diploma program" is one which is usually, but not necessarily, conducted by a hospital and leads to a diploma in nursing.
- 2.6. A "baccalaureate degree program in nursing" is one conducted by a college or university and leads to a baccalaureate degree with a major in nursing.
- 2.7. An "associate degree program in nursing" is conducted by a college or university and leads to an associate degree with a major in nursing.
- 2.8. "Requirements" are mandatory conditions which a college, department or school of nursing must meet in order to be accredited.
- 2.9. "Recommendations" are suggestions for the guidance of colleges, departments or schools of nursing in the development of their programs.
- 2.10. A "credit hour" is that credit assigned for one (1) hour of lecture per week, or two (2) to four (4) hours of lab per week, per semester.
- 2.11. "Graduation" signifies the candidate has satisfied all requirements of the college, department or school of nursing granting the diploma or degree.

2.12. "Recommendation for admission to the licensure examination for registered professional nurses" is a written statement required in order to sit for the license examination. The applicant must be recommended to the West Virginia board of examiners for registered professional nurses by a faculty of the program. This recommendation is based on satisfactory completion of the program.

2.13. "Registered professional nursing".

West Virginia Code §30-7-1 (b) states, " "registered professional nursing" shall mean the performance for compensation of any service requiring substantial specialized judgment and skill based on knowledge and application of principles of nursing derived from the biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, or the supervision and teaching of other persons with respect to such principles of nursing, or in the administration of medications and treatments as prescribed by a licensed physician or a licensed dentist, or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others."

§19-1-3.Purposes of the law; who may practice.

3.1. West Virginia Code §30-7-2 states, ". . . In order to safeguard life and health, any person practicing or offering to practice registered professional nursing in this State for compensation shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed as hereinafter provided. After

the thirtieth day of June, one thousand nine hundred and sixty-five, it shall be unlawful for any person not licensed under the provisions of this article to practice or to offer to practice registered professional nursing in this State, or to use any title, sign, card or devise to indicate that such person is a registered professional nurse." Only persons holding a current West Virginia license may practice registered professional nursing in West Virginia.

§19-1-4.Powers of the Board.

- 4.1. West Virginia Code §30-7-4 states, ". . . The board is hereby authorized and empowered to:
 - 4.1.1. "(a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article as may be necessary to enable it to carry into effect the provisions of this article;
 - 4.1.2. (b) Prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing under this article;
 - 4.1.3. (c) Provide for surveys of such educational programs at such times as it may deem necessary;
 - 4.1.4. (d) Accredite such educational programs for the preparations of practitioners of registered professional nursing as shall meet the requirements of this article and of the board;
 - 4.1.5. (e) Deny or withdraw accreditation of educational programs for failure to meet or maintain prescribed standards required by this article and by the board; . . . "

§19-1-5.Purposes of accreditation.

- 5.1. Protection of the public through evaluation of pre-service professional nursing programs in terms of the criteria hereinafter set forth. [19CSR2]
- 5.2. Improvement in the quality of nursing service through the improvement of nursing education.
- 5.3. Guidance of prospective students in the selection of approved nursing programs.
- 5.4. Assurance of eligibility to write the state licensing exam and to apply for state licensure to graduates of state accredited nursing programs.

§19-1-6.Major changes in the nursing curriculum or the nursing education pattern.

- 6.1. Application for legal accreditation.

West Virginia Code §30-7-5, states: ". . . An institution desiring to be accredited by the Board for the preparation of practitioners of registered professional nursing shall file an application therefor with the board, together with the information required and a fee of fifty dollars (\$50.00). It shall submit written evidence that:
(a) It is prepared to give a program of nursing education which meets the standards prescribed by the board; and (b) it is prepared to meet all other standards prescribed in this article by the board."

- 6.2. An institution desiring to be accredited by the board for the preparation of practitioners of registered professional nursing shall complete and submit a comprehensive needs assessment which would establish a need or lack thereof for any new undergraduate professional nursing program. The needs assessment shall provide support to show that clinical resources are available and adequate; faculty

resources are available; and clear documentation of the need for graduates prepared at the proposed level.

6.3. Instruction and practice in the education unit.

West Virginia Code §30-7-5, states: ". . . Instruction and practice may be secured in one or more institutions approved by the board. Such institution or institutions with which the school is to be affiliated shall be surveyed by the executive secretary of the board. If, in the opinion of the board, the requirements for an accredited school to prepare practitioners of registered professional nursing are met, it shall approve the school as an accredited school."

§19-1-7. Accreditation of education unit.

7.1. Visits and surveys.

Section five, article seven, chapter thirty, Code of West Virginia, states: ". . . From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all schools. Written reports of such surveys shall be submitted to the board."

7.2. Maintenance of accreditation standards.

Section five, article seven, chapter thirty, Code of West Virginia, states: ". . . If the board determines that any such accredited school is not maintaining the standards required by this article and by the board, notice thereof in writing specifying the defect or defects shall be immediately give to the school."

7.3. Accreditation of an existing program when ownership and control are changed.

When a change of ownership and control of a program is contemplated, a ninety

(90) day notice of such intended change shall be sent to the board. The controlling body expecting to assume responsibility for the program shall immediately make application for accreditation according to the procedure outlined in the law. If the information submitted is satisfactory to the board and if the owner or controlling body which will be responsible for the new program desires to comply with the recommendations of the board, it may be provisionally accredited.

§19-1-8.Loss of accreditation.

- 8.1. Loss of accreditation through failure to meet standards.

West Virginia Code §30-7-5, states: ". . . A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools."

- 8.2. Loss of accreditation through change or organization.

When a program changes ownership or control, accreditation will be automatically withdrawn. (For procedure whereby program may be continued see section 7.3 of this rule.)

- 8.3. Provisional accreditation for failure to meet standards.

At the board's discretion, a school which has failed to meet standards established by the board may be granted provisional accreditation during the time in which corrective action is undertaken.

§19-1-9.Closing of a program.

- 9.1. The board shall be advised in writing of the intent to close the program by those

responsible for it. A plan which will safeguard the quality of instruction and practice during the closing period and provide for transfer of students and custody of records shall be submitted for consideration and approval.

- 9.2. The accreditation of a program will be automatically withdrawn on the day the last student completes curriculum requirements of the program that is closing.

§19-1-10.Reports.

10.1. Reports.

The content of such reports shall be determined by the board. The following reports shall be submitted to the board from the nursing education unit:

- 10.1.1. Annual reports
- 10.1.2. Self-study
- 10.1.3. Faculty Qualifications/New
- 10.1.4. New program
- 10.1.5. Closing
- 10.1.6. Changes
- 10.1.7. Other reports as requested by the board.

ORIGINAL

BEFORE
THE WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES

PUBLIC HEARING

SERIES 1

POLICIES AND PROCEDURES RELATED TO THE
ACCREDITATION OF COLLEGES, DEPARTMENTS OR
SCHOOLS OF NURSING

FRIDAY, JULY 29, 1994

1:00 P.M.

101 DEE DRIVE

CHARLESTON, WEST VIRGINIA

DATE: Aug. 2, 1994

NINETY DAYS FROM THE ABOVE DATE THE
TAPES OF THIS MATTER WILL BE ERASED
SO THAT THEY MAY BE REUSED UNLESS
WE HEAR FROM YOU INDICATING YOUR
REASONS WHY THIS SHOULDN'T BE DONE.

JANET T. SURFACE
ALUM CREEK, WEST VIRGINIA 25003
PHONE (304) 756-3302 756-3611

JANET T. SURFACE

COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

APPEARANCES:

JANET H. FAIRCHILD, MS, RN,
Executive Secretary,
West Virginia Board of Examiners
for Registered Professional Nurses,
101 Dee Drive,
Charleston, West Virginia 25311-1620;

RUTH PEARSON, MS, RN,
Board Secretary,
Huntington, West Virginia;

PATSY HASLAM, RN, EDD,
Board Member,
Beckley, West Virginia.

JANET T. SURFACE

COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

EXECUTIVE SECRETARY FAIRCHILD: My name is Janet Fairchild. I am the Executive Secretary of the Board of Registered Professional Nurses.

At this time we will begin the public hearing on proposed legislative rules 19 CSR 1 titled policies and procedures related to the accreditation of colleges, departments, or schools of nursing.

At this time if there is anyone who would like to speak to these rules, we will receive oral comments.

Written comments will continue to be received until four p.m. this afternoon.

(WHEREUPON, the floor remained open for comments until 2:00 p.m..)

EXECUTIVE SECRETARY FAIRCHILD: It is now two o'clock and I will close the hearing on proposed legislative rule 19 CSR 1.

And we will continue to accept written comments until four p.m..

JANET T. SURFACE

COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

REPORTER'S CERTIFICATE

I, the undersigned, Janet T. Surface, Stenomask Reporter, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of the proceedings had in the above-styled hearing on the 29th day of July, 1994.

Given under my hand this the 30th day of July, 1994.

Janet T Surface
Reporter

JANET T. SURFACE
COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

PUBLIC HEARING
SERIES 1
POLICIES AND PROCEDURES RELATED TO THE ACCREDITATION OF COLLEGES,
DEPARTMENTS OR SCHOOLS OF NURSING
JULY 29, 1994 1:00 PM TO 2:00 PM

NAME	ADDRESS	AGENCY/PLACE OF EMPLOYMENT	REQUEST TO SPEAK
1.	Tayla Wallace PO Box 846 Lewisburg, WV	Concerned Nurses of WV	
2.	Doreen S. Bowler 2505 Kinnaman Ave SE Clas, WV 25304	O&C	
3.			
4.			
5.			
6.			
7.			
8.			

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policies and Procedures Related to the Accreditation of Colleges, Departments or Schools of Nursing

Type of Rule: x Legislative Interpretive Procedural

Agency WV Board of Examiners for Registered Nurses.

Address 101 Dee Drive

Charleston, WV 25311-1620

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES	No change				
CURRENT EXPENSE	No change				
REPAIRS & ALTERNATIONS	none				
EQUIPMENT	none				
OTHER					

2. Explanation of above estimates:

The amendments to this rule will not change the current level of expenditures for implementation of nursing education standards and accreditation procedures.

3. Objectives of these rules:

To update rules. Effective date of December 1982 is actually a re-file date of the original rule which became effective January 1, 1977.

Rule Title: Policies and Procedures Related to the Accreditation of
Colleges, Departments or Schools of Nursing

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

none

C. Economic Impact on Citizens/Public at Large.

none

Date:

June 29, 1994

Signature of Agency Head or Authorized Representative

Janet N. Marshall



ROBERT C. BYRD
HEALTH SCIENCES CENTER
OF WEST VIRGINIA UNIVERSITY

May 24, 1994

Janet Fairchild, MS, RN
Executive Secretary
WV Board of Examiners for RN's
101 Dee Drive
Charleston, WV 25311-1620

Dear Janet:

I will be unable to attend the public hearing on July 29 related to the proposed rule amendments for licensure and registration. However, I wanted to submit input for the record.

I support the proposed revisions for requirements for licensure and registration. The changes proposed are essential to address the new format in place for licensure. Policies and procedures related to accreditation and criteria for evaluations and accreditation of schools of nursing are clearly stated and congruent with national standards. The evaluation criteria, at times, appear minimal. I believe we should require a doctorate degree of nursing education administrators; and, requiring just a graduate degree in nursing for faculty is nominal at best. I believe we have past the era when faculty degreed in other majors is acceptable practice.

Again, I reiterate my support for these rule changes and wish you well at the hearing.

Sincerely,

Mary Jo Butler

MJB/an

School of Nursing—Charleston Division

3110 MacCorkle Avenue Charleston WV 25304-1299 Telephone 304 347-1253

Equal Opportunity/Affirmative Action Institution



SCHOOL OF NURSING
400 Hal Greer Boulevard
Huntington, West Virginia 25755-9500
304/696-6750

July 8, 1994

Janet Fairchild, MS, RN
Executive Director
WV State Board of Examiners
for Registered Professional Nurses
101 D Drive
Charleston, WV 25311

Dear Janet:

I wish to have the following comments entered into the public hearings regarding Series 1 and 2 rules for the West Virginia Board of Examiners for Registered Professional Nurses.

Series 1 - Policies and Procedures Related to the Accreditation of Colleges, Departments, or Schools of Nursing.

19-1-2:2.13 Add to line 8 physician, licensed dentist, or a certified nurse practitioner.

19-1-6:6.1 Increase the fee to \$100 on line 4.

19-17:7.1 School surveys should be requested at set intervals for only those programs that are not accredited by the National League for Nursing.

19-1-10:1.1 (c) Since faculty qualifications are included in the yearly annual report, it should not be necessary to submit them in addition to the annual report.

Series 2 - Criteria for the Evaluation and Accreditation of Colleges Departments or Schools of Nursing.

19-2-5:5.1 (b) Have evidence of current experience in nursing practice and/or education.

5.2 This is repetitive.

19-2-7:7.2 Add humanities to the courses included.

7.3 (b)

Redistribution of credit hours needs to be clarified; does it mean within the major or all courses? If another department changes course placement, level, or number of credit hours, is it still necessary to report it?

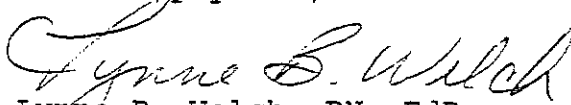
7.3 (c) & (e)

Should be deleted. New faculty additions should be reported only if they do not meet the criteria. Additional teaching sites are added all of the time in community-based courses and curricula. As long as the clinical areas meet curriculum standards for students, it isn't necessary to consider it a major change. As more client care moves from the acute care setting to community-based settings, there will be increased numbers of settings. Many schools use well over 100 settings now. I do not see the addition of a teaching site as a major change.

19-2-9:9.2

Attrition rates may not be useful data as some students "stop out" for awhile and would then be incorrectly "counted".

Sincerely yours,


Lynne B. Welch, RN, EdD
Dean

/mc



MARSHALL
UNIVERSITY

SCHOOL OF NURSING
400 Hal Greer Boulevard
Huntington, West Virginia 25755-9500
304/696-6750

June 28, 1994

Janet Fairchild, MS, RN
Executive Secretary
WV State Board of Examiners
for Registered Professional Nurses
101 Dee Drive
Charleston, WV 25311

Dear Janet:

I have enclosed some comments regarding the draft of
Legislative Rules Series 1 and 2 for consideration by the West
Virginia Board of Examiners for Registered Professional Nurses.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Lynne B. Welch'.

Lynne B. Welch, RN, EdD
Dean

/mc

Enclosure

SUGGESTIONS FOR STATE BOARD

First, this may not be up for consideration at this point, but I believe the title of the board should be just "registered", not "registered professional", in preparation for different testing for baccalaureate level.

Title 19 Series 1

2.13 add "certified nurse practitioner" in "...prescribed by a licensed physician, certified nurse practitioner, or a licensed dentist...."

5.4 "to write" is an outdated term. Should be "to take the state licensing exam...."

7.1 If "survey" means site visit, I believe it should not be mandatory if a school has full NLN accreditation and the state board scores are deemed acceptable to the Board.

10.1 If a school has NLN accreditation (without a warning), the annual report should be abbreviated and not so repetitive.

Title 19 Series 2

5.1 Faculty should have a minimum of a masters degree in nursing. (There are doctoral nursing programs which accept non-traditional students.) I also believe it is important to keep this educational standard as a goal to work toward. Faculty have until Jan. 1, 2000 to do this and access to graduate nursing programs is available.

5.2 Board should not require a report on faculty qualifications on appointment. It would be in the annual report. 5.3

states the conditions of employment must be consistent with the parent institution.

7.3 e. Addition of new faculty should not be considered a major change requiring board approval.

Title 19
Series 3

3.2.1.1.1 Change "sit for" to "take".

3.1.5.2 NCLEX-RN has been adopted, has it not?

3.6.4 Candidate should not have to petition to repeat the exam after just two failures. There should be a time limit such as that they must petition and show action to correct deficiencies if 2 or more years have elapsed since graduation. Definite criteria must be established as to what is acceptable "action".

3.7.1 Endorsement should be if they are licensed to be "registered nurses". Not all states use "registered professional", and again this will eventually become an issue.

Title 19
Series 11

2.4 Again, insert certified nurse practitioner as one who can prescribe.

3.2.3 Exempt a licensee who is enrolled in at least 6 credit hours for 1 year in a program leading to a higher degree in nursing.

Dr. Judith Sortet